

**ENTERED**

February 27, 2025

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

DANIEL LEE GARRETT,

Plaintiff.

V.

MARILYN BURGESS,

Defendant.

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CIVIL ACTION NO. 4:24-CV-4495

**ORDER ADOPTING MAGISTRATE JUDGE'S  
MEMORANDUM AND RECOMMENDATION**

On January 7, 2025, Defendant's request for a pre-motion conference seeking leave to file a motion to dismiss (Dkt. 11) was referred to United States Magistrate Judge Christina Bryan under 28 U.S.C. § 636(b)(1)(B). (Dkt. 13). Judge Bryan filed a Memorandum and Recommendation on January 13, 2025 recommending that this case be dismissed *sua sponte* for lack of subject matter jurisdiction. (Dkt. 16). On January 23, 2025, Plaintiff filed his Objections. (Dkt. 18).

In accordance with 28 U.S.C. § 636(b)(1)(C), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; see also FED. R. CIV. P. 72(b)(3). The Court has carefully considered the Objections; the Memorandum and

Recommendation; the pleadings; and the record. The Court **ACCEPTS** Judge Bryan's Memorandum and Recommendation and **ADOPTS** it as the opinion of the Court.

It is therefore **ORDERED** that:

- (1) Judge Bryan's Memorandum and Recommendation (Dkt. 16) is **APPROVED AND ADOPTED** in its entirety as the holding of the Court; and
- (2) This case is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

It is so **ORDERED**.

SIGNED and ENTERED this 26th day of February 2025.

  
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GEORGE C. HANKS, JR.  
UNITED STATES DISTRICT JUDGE